

### **Remarks**

This is a response to the Office Action dated June 23, 2006. Claims 1 through 4, 6 through 10, and 13 through 15 are pending in this application. In the Office Action, Examiner Vo rejected claim 1 pursuant to 35 U.S.C. 102(b), as being anticipated by Iida (US Pat. 4,520,294), hereinafter "Iida". In addition, claims 1-3 and 9 were rejected pursuant to 35 U.S.C. 103(a) as being unpatentable over Jurek in view of Iida (U.S. Pub. 2003/0160574). Finally, claims 4, 10, and 11 were rejected pursuant to 35 U.S.C. 103(a) as being unpatentable over Jurek in view of Iida and further in view of Seok et al. (US Pat. 5,768,898), hereinafter "Seok".

### **I. ALLOWABLE SUBJECT MATTER**

Examiner Vo indicated that claims 5-8 and 12-15 are objected to as being dependent upon a rejected claim, but would be allowable if rewritten in independent form. Claims 1 has been amended to include the limitation of claim 5; however, the limitations of the intervening claims are not included because these limitations are not required for patentability. Similarly, claim 9 has been amended to include the limitation of claims 11 and 12. It is submitted that all claims are now in allowable form.

### **II. REJECTIONS UNDER 35 USC 102(b)**

According to the MPEP:

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). See also MPEP § 2131.02. "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

#### **A. Independent Claims 1 and 9**

Independent claim 1, as amended, is directed towards a starter assembly for a gas discharge lamp comprising at least one switch located in the gas discharge lamp, and a control unit operable for actuating the switch, wherein the control unit is programmable to receive a first

preheat time for the gas discharge lamp, and wherein the control unit actuates the switch for a predetermined length of time.

Iida fails to teach or suggest each limitation of claim 1. In particular, Iida fails to disclose a control unit programmable to receive a first preheat time for the gas discharge lamp. Applicants therefore request that the Examiner withdraw this rejection of this claim.

### **III. REJECTIONS UNDER 35 USC 103(a)**

#### **A. Independent Claims 1 and 9**

As previously presented, independent claims 1 and 9 were rejected as being unpatentable over Jurek in view of Iida (U.S. Pub. 2003/0160574). Applicants respectfully point out that U.S. Pub. 2003/0160574, now U.S. patent 6,853,153 is to Gray (hereinafter “Grey”). In addition, Grey was filed on February 26, 2002, after the February 19, 2002 priority date claimed by the present application. Applicants assume that Examiner Vo, when referencing Grey, intended to reference Iida. As discussed above, Iida fails to disclose a control unit programmable to receive a first preheat time for the gas discharge lamp. Jurek discloses a lamp igniter which “comprises a converter circuit which can superimpose an instantaneous high voltage on top of the ballast voltage.” (col. 5, lines 9-11). Jurek also fails to disclose a control unit programmable to receive a first preheat time for the gas discharge lamp. Therefore, neither Iida nor Jurek, alone or in combination, suggest, disclose, or teach a control unit operable for actuating a switch or a starter assembly, wherein the control unit is programmable to receive a first preheat time for the gas discharge lamp. Similarly, neither Iida nor Jurek, alone or in combination, suggest, disclose, or teach a starter assembly for a gas discharge lamp, the starter assembly comprising a magnetic switch located in the gas discharge lamp, an electronics module operable to actuate the magnetic switch, the electronics module further comprising, an electromagnet and a control unit operable to control the operation of the electromagnet, wherein the control unit comprises a programmable microprocessor, said microprocessor being programmed with a first preheat time, and wherein the electronics module actuates the magnetic switch for a pre-determined length of time. Applicants therefore request that the Examiner withdraw this rejection of these claims.

#### **B. Dependent Claims 2-4, 10, and 11**

Dependent Claims 2-3 were rejected as being anticipated over Jurek in view of Iida. Dependent claims 4, 10, and 11 were rejected as being anticipated over Jurek in view of

lida and further in view of Seok. Dependent claims 2-4, 10, and 11 should be allowed for the reasons set out above for the independent claims. Applicants therefore request that the Examiner withdraw this rejection of these claims.

### Conclusions

Applicants thank Examiner Vo for the comments made in the above-referenced Office Action. Applicants respectfully request reconsideration of the above-identified patent application. In view of the above arguments, the Applicants believe that the pending claims are in condition for allowance. If, for any reason, the Examiner feels that the above amendments and remarks does not put the claim in condition for allowance, please contact the undersigned attorney to resolve any remaining issues.

Dated: August 17, 2006

Respectfully submitted,

By: 

Marc T. Filigenzi  
Registration No. 46,700  
Attorney for Applicants  
ALTICOR INC.  
7575 Fulton Street East  
Ada, Michigan 49355  
(616) 787-7303